

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHADRICK PETER WILLIAMS,)	No. C 06-1142 JSW (PR)
)	
Petitioner,)	
)	
vs.)	ORDER TO SHOW CAUSE
)	
S. W. ORNOWSKI, Warden,)	
)	
Respondent.)	
_____)	

INTRODUCTION

Petitioner, a prisoner of the State of California, currently incarcerated at the Sierra Conservation Center in Jamestown, California, has filed a habeas corpus petition pursuant to 28 U.S.C. § 2254 challenging the constitutional validity of his state conviction. Petitioner has paid the filing fee. This order directs Respondent to show cause why the amended petition should not be granted.

BACKGROUND

According to the petition, Petitioner was convicted after trial of certain drug offenses in San Mateo County Superior Court and sentenced to a term of eleven years in state prison. Petitioner appealed his conviction to the California Court of Appeal in 2004. The Supreme Court of California denied Petitioner's petition for review in 2005. Petitioner filed the instant federal habeas petition on February 16, 2006.

DISCUSSION

I Standard of Review

This court may entertain a petition for a writ of habeas corpus "in behalf of a

1 person in custody pursuant to the judgment of a State court only on the ground that he is
 2 in custody in violation of the Constitution or laws or treaties of the United States.” 28
 3 U.S.C. § 2254(a).

4 It shall “award the writ or issue an order directing the respondent to show cause
 5 why the writ should not be granted, unless it appears from the application that the
 6 applicant or person detained is not entitled thereto.” *Id.* § 2243.

7 II Legal Claims

8 The petition raises the following ground for relief: Petitioner’s due process rights
 9 were violated by the trial court’s admission of two involuntary statements. Liberally
 10 construed, it does not appear from the face of the petition that Petitioner is not entitled to
 11 relief. Accordingly, Respondent is ordered to respond to the petition as set forth below.

12 CONCLUSION

13 For the foregoing reasons and for good cause shown,

14 1. The Clerk shall serve by certified mail a copy of this order and the petition, and
 15 all attachments thereto, on Respondent and Respondent's attorney, the Attorney General
 16 of the State of California. The Clerk also shall serve a copy of this order on Petitioner.

17 2. Respondent shall file with the Court and serve on Petitioner, within **sixty (60)**
 18 days of the issuance of this order, an answer conforming in all respects to Rule 5 of the
 19 Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should
 20 not be granted. Respondent shall file with the answer and serve on Petitioner a copy of all
 21 portions of the state trial record that have been transcribed previously and that are relevant
 22 to a determination of the issues presented by the petition. If Petitioner wishes to respond
 23 to the answer, he shall do so by filing a traverse with the Court and serving it on
 24 Respondent within **thirty (30)** days of his receipt of the answer.

25 3. Respondent may file a motion to dismiss on procedural grounds in lieu of an
 26 answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing
 27 Section 2254 Cases. If Respondent files such a motion, Petitioner shall file with the Court
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1 and serve on Respondent an opposition or statement of non-opposition within **thirty (30)**
2 days of receipt of the motion, and Respondent shall file with the Court and serve on
3 Petitioner a reply within **fifteen (15)** days of receipt of any opposition.

4 4. It is Petitioner's responsibility to prosecute this case. Petitioner must keep
5 the Court informed of any change of address by filing a separate paper captioned "Notice
6 of Change of Address." He must comply with the Court's orders in a timely fashion.
7 Failure to do so may result in the dismissal of this action for failure to prosecute pursuant
8 to Federal Rule of Civil Procedure 41(b)

9 IT IS SO ORDERED.

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11 DATED: July 14, 2006



12 JEFFREY S. WHITE
13 United States District Judge
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